

**UNITED STATES BANKRUPTCY COURT**  
**District of New Jersey**

IN RE: **Aline Kolankowski**Case No.: **16-23924**Judge: **Stacey L. Meisel**

Debtor(s)

Chapter: **13**

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original☒ Modified/Notice Required☒ Discharge Sought☐ Motions Included☐ Modified/No Notice Required☐ No Discharge SoughtDate: 07/20/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER  
 CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay 1,927.75 Monthly to the Chapter 13 Trustee, starting on August 1, 2016 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: \_\_\_\_\_

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
-NONE-		

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

### b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor

**M&T Bank fka/Hudson City Savings Bank**

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

**Part 5: Unsecured Claims**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$ \_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_ percent

  X   *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
<b>Chrysler Capital</b>	<b>Monthly payments: \$520.00</b>	<b>NO Arrearage</b>

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

### a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

### b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

### c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

## Part 8: Other Plan Provisions

### a. Vesting of Property of the Estate

- ☒ Upon Confirmation  
☐ Upon Discharge

### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

### c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: **10/7/2016**.

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified <b>Revised Schedules A, B &amp; J and modified plan.</b>
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Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date	<u>October 7, 2016</u>	<u>/s/ Steven Robert Lehr, Esq.</u>
		<b>Steven Robert Lehr, Esq.</b>
		Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date:	<u>October 7, 2016</u>	<u>/s/ Aline Kolankowski</u>
		<b>Aline Kolankowski</b>
		Debtor

Date:	<u></u>	<u></u>
		Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Aline Kolankowski  
 Debtor

Case No. 16-23924-SLM  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 27

Date Rcvd: Oct 12, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 14, 2016.

db  
 516297486 +Aline Kolankowski, 35 S. Pierson Road, Maplewood, NJ 07040-3408  
 516421882 American Express, PO Box 981540, El Paso, TX 79998-1540  
 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,  
 Malvern PA 19355-0701  
 516297487 +Bank of America, PO Box 941633, Simi Valley, CA 93094-1633  
 516419521 +CCAP Auto Lease LTD, P.O. Box 961278, Fort Worth, TX 76161-0278  
 516297488 Capital One, PO Box 30285, Salt Lake City, UT 84130-0285  
 516341620 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 516297489 Chase, Cardmember Services, PO Box 15153, Wilmington, DE 19886-5153  
 516297491 +Chrysler Capital, PO Box 660647, Dallas, TX 75266-0647  
 516297490 +Chrysler Capital, PO Box 961275, Fort Worth, TX 76161-0275  
 516297492 +Citi Cards, PO Box 6500, Sioux Falls, SD 57117-6500  
 516297493 Comenity Bank, PO Box 182273, Columbus, OH 43218-2273  
 516297494 +Department Stores National Bank, PO Box 8218, Mason, OH 45040-8218  
 516297498 +M&T Bank fka/Hudson City Savings Bank, W 80 Century Road, Paramus, NJ 07652-1478  
 516297500 +State of NJ, Division of Taxation, Revenue Processing Center, PO Box 111,  
 Trenton, NJ 08645-0111  
 516297503 +US Alliance Federal Credit Union, 411 Theodore Fremd Ave, Rye, NY 10580-1426

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 12 2016 23:14:24 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Oct 12 2016 23:14:21 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516306717 E-mail/Text: mrdiscen@discover.com Oct 12 2016 23:13:43 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 516297495 +E-mail/Text: mrdiscen@discover.com Oct 12 2016 23:13:43 Discover Fin Svcs Llc,  
 Po Box 15316, Wilmington, DE 19850-5316  
 516297496 +E-mail/Text: cio.bncmail@irs.gov Oct 12 2016 23:14:00 IRS, Department of the Treasury,  
 PO Box 8208, Philadelphia, PA 19101-8208  
 516297497 E-mail/Text: camanagement@mtb.com Oct 12 2016 23:14:11 M & T Bank, PO Box 62182,  
 Baltimore, MD 21264  
 516327761 E-mail/Text: camanagement@mtb.com Oct 12 2016 23:14:11 M&T Bank, P.O. Box 840,  
 Buffalo, NY 14240-0840  
 516297499 +E-mail/Text: bnc@nordstrom.com Oct 12 2016 23:13:53 Nordstrom Bank, PO Box 79137,  
 Phoenix, AZ 85062-9137  
 516314030 E-mail/Text: bnc-quantum@quantum3group.com Oct 12 2016 23:14:16  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 516297501 E-mail/PDF: gecsed@recoverycorp.com Oct 12 2016 23:06:10 Synchrony Bank, PO Box 960061,  
 Orlando, FL 32896-0061  
 516297502 +E-mail/Text: bankruptcy@td.com Oct 12 2016 23:14:26 TD Bank, Operations Center,  
 PO Box 8400, Lewiston, ME 04243-8400

TOTAL: 11

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 14, 2016

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 27

Date Rcvd: Oct 12, 2016

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 7, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor M&T Bank dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Steven R Lehr on behalf of Debtor Aline Kolankowski slehr@lehrlaw.com,  
dcastiglione@lehrlaw.com

TOTAL: 3